

City of Pittsburg

65 Civic Avenue
Pittsburg, CA 94565-3814

April 2, 2009

Mr. Bruce Wolfe, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Comments on the February 11, 2009 Tentative Order Municipal Regional Permit (MRP)

Dear Mr. Wolfe, Board Members, and staff:

The City of Pittsburg continues to work diligently with member agencies of the Contra Costa Clean Water Program on the common goal to reduce or eliminate pollutants entering our waterways. This letter summarizes the City of Pittsburg's comments on the February 11, 2009 Tentative Order Municipal Regional Permit.

In general, while the prescriptive language for implementation of several of the permit provisions has been eliminated, additional responsibilities for permittees have been added, especially with respect to reporting and monitoring. It is unclear what objectives the Water Board hopes to achieve with the extensive reporting. The amount of effort required for compliance with these provisions is disproportionate to the availability of City staff. Furthermore, the added inspection requirements require specialized staff; our staff does not possess the expertise or the qualifications required for these types of inspections. These extensive requirements would be very costly for this City to meet, as we would be forced to expend already severely depleted resources to seek the services of consultants to meet them.

Currently the City of Pittsburg has a projected budget shortfall of \$6.2 million for fiscal year 2009/2010. Efforts at reducing this shortfall include aggressive staffing reductions and elimination of contractual services. Currently, basic services for recreation and senior citizens are at risk, and the City is considering staff reductions in all areas, including police. In this current environment, we respectfully request that the RWQCB staff work with local agencies to revise and prioritize MRP requirements so that member agencies may plan for efficient use of our limited resources in meeting clean water goals.

The following outlines the City's specific comments and concerns regarding this current draft of the Tentative Order:

Section C.2 Municipal Operations

The reporting requirements for municipal operations are onerous and burdensome. Several other Sections, such as Illicit Discharge, Trash, Pesticides Toxicity Control, and Exempted and Conditionally Exempted Discharges, require varied reporting and/or monitoring requirements required of Municipal Maintenance staff. Our City's Maintenance Department is already operating at a minimum, and may act be reduced further as response to the City's current economic crisis. The City urges the Board to consider limiting the continuous reporting requirements to the most problematic section(s) that need monitoring. The City urges elimination of monitoring requirements in areas where it is not warranted, or where it may have been warranted in the past but there are currently no unacceptable exceedances.

Section C.2.d Stormwater Pump Stations

This provision needs clarification regarding the size and types of pumps subject to monitoring and reporting activities. This provision should provide a minimum pump station size threshold for monitoring requirements, i.e. larger than ____ gallons per minute. The problem is that while we have pump stations, they are all very small. The time necessary to meet the monitoring requirements is not productive based on their limited capacity. Please also provide guidance regarding the appropriate location for DO data collection.

Section C.2.e.ii. Implementation Level (1)

This provision requires post-construction treatment measures for maintenance activities of existing Rural Public Roads. Please remove the last sentence requiring post-construction treatment measures to treat runoff from the new impervious surface area created in association with road projects. Regular maintenance activities should be distinguished from creation of new roads in this section. Section C.3 already provides guidance for new road projects that create 10,000 square feet of contiguous impervious surface, with exceptions where appropriate.

Section C.3.b. ii (1) Regulated Projects (Effective Date)

This provision now defers approval or disapproval of the project to "Final, major, staff-level discretionary review and approval", which in this City occurs after the entitlements have already been secured. The "Final, major, staff-level discretionary review and approval" stage of a project is usually permit issuance. Deferring complete design submittals to this date has proven to be problematic for staff and developers, as projects that have already been substantially designed have not appropriately considered their site constraints, and are therefore not able to fully comply with this provision. Other jurisdictions may have different completeness dates, which make it difficult for agencies with earlier due dates to enforce these submittal requirements. The requirement for submittal of fully designed C.3 designs prior to granting of entitlements has been most beneficial at exercising the most flexibility with treatment designs. Furthermore, it makes more sense that fully developed C.3 compliant plans be submitted prior to the application being deemed complete, because landscaping designs are required to be submitted for the entitlements. The City requests a return to the original standard to require substantially complete C.3 designs to be submitted prior to deeming the project application complete.

Section C.3.b.ii (4) New Road Projects

New road projects should not be included as a Regulated Project. Often these road projects are constructed within the minimal amount of right of way to provide safe pedestrian and bicycle pathways for the community. With limited land availability, treatment options for these situations are usually unfavorable vault-based systems. The permit should exclude these projects or allow alternative compliance options.

Section C.3.b. iii Green Streets Pilot

- The timeframe is not reasonable for full construction and/ or retrofit and monitoring of these pilot green streets. In many instances, the locations of these streets are in already densely developed areas; therefore retrofit of existing streets will require acquisition of additional land for treatment facilities. This is financially burdensome to municipalities, and may not be feasible for complete capture to C.3 c specifications. The date for full implementation should be extended past the duration of this permitting period.
- “Appropriate Monitoring” of these pilot projects needs clarification. It is unreasonable to require pilot green streets to be subject to the same operations and monitoring required for a newly constructed street incorporating LID; in particular since these pilot streets are publicly maintained. This adds yet another onerous reporting and monitoring task to the City’s responsibility, in perpetuity.

Section C.3.e. Alternative Compliance

The City requests that the Alternative Compliance option be expanded to include infill road projects, which oftentimes are constructed to provide pedestrian access and continuity of development. Such projects are most often not afforded additional land to incorporate LID design features, and therefore, the only recourse for treatment is mechanical vault-type systems. Where land availability is limited, jurisdictions should be allowed more flexibility for location of treatment facilities.

Section C.10 iv. Trash Hot Spot Clean Up to Trash Action level

The City requests clarification of the size of particle that is considered a piece of trash. Section v. references the installation of full trash capture devices that trap particles retained by a 5mm mesh screen, therefore if 5mm is the size that defines a particle of trash, the Urban Optimal level requirement of “less than 100 pieces” would easily be exceeded if say, a single Styrofoam container were to disintegrate.

Section C.11 Mercury Controls and C.12.a. Implement Project throughout Region to Incorporate PCBs and PCB-Containing Equipment Identification into Existing Industrial Inspections

The City requests consideration of extending the implementation period and or removal of these requirements. Our municipal inspectors lack the expertise in inspection activities for these contaminants. Consider revising the inspection requirement as a collaborative requirement.

Section C.12.e Conduct Pilot Projects to Evaluate On-Site Stormwater Treatment via Retrofit

Removal of PCBs via on- site retrofit of existing storm drain systems may require

permitting through the Department of Toxic Substances Control.

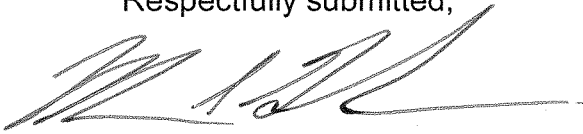
Section C.15.b.iii. (c)(ii) Monitoring Requirements

This provision requires that turbidity be monitored for Planned Discharges. The majority of the City's planned discharges involve flushing of potable water sources, therefore, language should be added to exempt potable water discharges from this requirement.

The City supports the MRP comments submitted to the Board by the Bay Area Stormwater Management Agencies Association and the Contra Costa Clean Water Program. As you know, California is in the midst of a deep economic crisis, and each city is challenged to find ways to continue vital operations with limited resources and personnel. We urge the Board to consider the extraordinary economic situation faced by local municipalities and make the requested revisions and clarifications listed above.

Please contact me at (925) 252-4850 if you have questions regarding this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Grisham', with a long horizontal line extending to the right.

Marc S. Grisham
City Manager

CC: Pittsburg City Council Members
Matt Rodriguez, Deputy City Manager
Joe Sbranti, Assistant City Manager
Keith Halvorson, Assistant City Engineer
Walter Pease, Public Works Superintendent
Alfredo Hurtado, Senior Civil Engineer
Laura Wright, Senior Analyst
Hilario Mata, Civil Engineer II
Majeed Bahri, Civil Engineer II
Jolan Longway, Civil Engineer II